

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SHERMAN WHITE, Individually, and  
T'KEYAN BLACK, Individually,

Plaintiffs,

v.

WESTERN LOGISTICS EXPRESS, LLC, a  
corporation, and DANIEL LAUDERBACK,  
Individually,

Defendants.

No.

**DEFENDANTS' NOTICE FOR REMOVAL**

Defendants Western Logistics Express, LLC, a corporation, (hereinafter "Western") and Daniel Lauderback, Individually, (hereinafter "Lauderback") submit this Notice of Removal pursuant to the provisions of 28 U.S.C. §§ 1332, 1441, and 1446. In support of their Notice for Removal, Defendants state as follows:

1. Plaintiffs Sherman White and T'Keyan Black filed a Complaint ("Complaint"), Case No. 2017 L 002415, on March 5th, 2017 in the Circuit Court of Cook County, Illinois, County Department, Law Division, which is within the Northern District of Illinois, Western Division. (A true and correct copy of the Summons and Complaint is attached as Ex. 1.)

2. The Complaint was served on Western on April 11th, 2017. (See Ex. 1.)

3. The Complaint was served on Lauderback on April 18th, 2017. (See Ex. 1)

4. This action arises out of a motor vehicle accident and involves alleged personal injuries. In the Complaint, Plaintiffs allege two counts of negligence, one against Western and the other against Lauderback.

5. No other process documents, pleadings, or orders have been served upon Western or Lauderback to date in this case.

6. In the Complaint, Plaintiffs allege the accident took place in Chicago Heights, Cook County, Illinois. (Ex. 1, Complaint, ¶ 1).

7. Plaintiffs further allege that Lauderback was operating the semi-truck at the time of the accident while employed by Western. (Ex. 1, Complaint, ¶ 2).

8. Western is a Missouri corporation with its principal place of business in Kansas.

9. Defendant Lauderback is a citizen of Texas with his residence in Joshua, TX.

10. In the Complaint, Plaintiffs allege that Defendant Lauderback, Individually, and acting as an agent of Western, breached his duty to use ordinary care and that Plaintiffs have been injured and suffered damages of personal and pecuniary nature in an amount exceeding \$50,000. *See* Ex. 1, Complaint, at ¶ 6.

11. Upon information and belief, Plaintiffs will seek damages in excess of \$100,000.

12. This Court has original jurisdiction under 28 U.S.C. § 1332(a)(1) because Plaintiffs are citizens of this state and Defendant Western and Defendant Lauderback are citizens of different states, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Therefore, removal of this action is proper pursuant to 28 U.S.C. § 1441(a).

13. This Notice of Removal is being filed within 30 days of Western and Lauderback being served with the Complaint, and, therefore, is filed with the Court on a timely basis under 28 U.S.C. § 1446(b).

14. Promptly after filing this Notice of Removal, Western and Lauderback will give written notice to Plaintiffs and will file a copy of this Notice of Removal with the Circuit Court of Cook County, Illinois, County Department, Law Division.

WHEREFORE, Defendants, Western Logistics Express, LLC and Daniel Lauderback, respectfully request the removal of this action, Case No. 2017 L 002415, from the Circuit Court of Cook County, Illinois, County Department, Law Division, to this Court, the United States District Court for the Northern District of Illinois, Western Division.

Dated: May 3, 2017

Respectfully submitted,

/s/Scott R. Shinkan

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 3<sup>rd</sup> day of May, 2017, she electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using CM/ECF system which sent notification of such filing to the parties who are registered participants with the System. I hereby certify that I did mail or deliver a true and correct copy of the foregoing document to any non-CM/ECF participants.

/s/Nicole Andersen

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CIRCUIT COURT OF  
COOK COUNTY, ILLINOIS  
LAW DIVISION  
CLERK DOROTHY BROWN

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

SHERMAN WHITE, Individually, and )  
T'KEYAN BLACK, Individually, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
WESTERN LOGISTICS EXPRESS, LLC, )  
A Corporation, and DANIEL LAUDERBACK, )  
Individually, )  
 )  
Defendants. )

**COMPLAINT AT LAW**

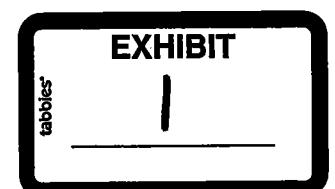
Plaintiffs, SHERMAN WHITE and T'KEYAN BLACK, by their attorneys, LAW OFFICES OF SCOTT B. WOLFMAN & ASSOCIATES, P.C., and complaining of Defendants, WESTERN LOGISTICS EXPRESS, LLC, A Corporation, and DANIEL LAUDERBACK, Individually, state:

**COUNT I – NEGLIGENCE – SHERMAN WHITE vs. WESTERN LOGISTICS EXPRESS, LLC, A Corporation and DANIEL LAUDERBACK**

1. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, acted as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, when he operated a semi-truck on Halsted Avenue in the City of Chicago Heights, State of Illinois, County of Cook.

2. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, had a duty to use ordinary care in the operation of his semi-truck.

3. On or about January 18, 2016, Plaintiff, SHERMAN WHITE, operated a motor vehicle in a southbound direction on Halsted Avenue at or near Alice Street in the City of Chicago Heights, State of Illinois, County of Cook.



4. On or about January 18, 2016, Plaintiff, T'KEYAN BLACK, was a passenger in the vehicle driven by SHERMAN WHITE.

5. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, attempted a lane change on southbound Halsted at or near Alice Street when his vehicle collided with the vehicle driven by Plaintiff, SHERMAN WHITE.

6. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, breached his duty to use ordinary care and was negligent in one or more of the following ways:

- a. Carelessly and negligently failed to operate and control said motor vehicle;
- b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said motor vehicle;
- c. Carelessly and negligently failed to keep a proper look out;
- d. Carelessly and negligently attempted a lane change when it was unsafe to do so;
- e. Carelessly and negligently failed to yield before attempting a lane change;
- f. Carelessly and negligently failed to signal; and
- g. Was otherwise careless and negligent.

7. As a direct and proximate result of one or more aforesaid careless and negligent acts and/or omissions of the Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, Plaintiff, SHERMAN WHITE, was injured and suffered damages of a personal and pecuniary nature and

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continues to suffer from said injuries.

WHEREFORE, Plaintiff, SHERMAN WHITE, prays for judgment in his favor and against the Defendant, DANIEL LAUDERBACK, Individually and WESTERN LOGISTICS EXPRESS, LLC, A Corporation, in a sum greater than \$50,000.00 plus costs of this suit.

**COUNT II – NEGLIGENCE – T'KEYAN BLACK vs. WESTERN LOGISTICS EXPRESS, LLC, A Corporation and DANIEL LAUDERBACK**

1. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, acted as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, when he operated a semi-truck on Halsted Avenue in the City of Chicago Heights, State of Illinois, County of Cook.

2. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, had a duty to use ordinary care in the operation of his semi-truck.

3. On or about January 18, 2016, Plaintiff, SHERMAN WHITE, operated a motor vehicle in a southbound direction on Halsted Avenue at or near Alice Street in the City of Chicago Heights, State of Illinois, County of Cook.

4. On or about January 18, 2016, Plaintiff, T'KEYAN BLACK, was a passenger in the vehicle driven by SHERMAN WHITE.

5. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, attempted a lane change on southbound Halsted at or near Alice Street when his vehicle collided with the vehicle driven by Plaintiff, SHERMAN WHITE.

6. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, breached his duty to use ordinary care and was negligent in one or more of the

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following ways:

- a. Carelessly and negligently failed to operate and control said motor vehicle;
  - b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said motor vehicle;
  - c. Carelessly and negligently failed to keep a proper look out;
  - d. Carelessly and negligently attempted a lane change when it was unsafe to do so;
  - e. Carelessly and negligently failed to yield before attempting a lane change;
  - f. Carelessly and negligently failed to signal; and
  - g. Was otherwise careless and negligent.
7. As a direct and proximate result of one or more aforesaid careless and negligent

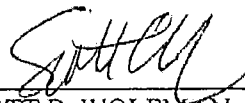
acts and/or omissions of the Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, Plaintiff, T'KEYAN BLACK, was injured and suffered damages of a personal and pecuniary nature and continues to suffer from said injuries.

WHEREFORE, Plaintiff, T'KEYAN BLACK, prays for judgment in her favor and against the Defendants, DANIEL LAUDERBACK, Individually and WESTERN LOGISTICS EXPRESS, LLC. A Corporation, in a sum greater than \$50,000.00 plus costs of this suit.

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Respectfully Submitted,  
Plaintiffs, SHERMAN WHITE, Individually  
and T'KEYAN BLACK, Individually,

By:

  
\_\_\_\_\_  
SCOTT B. WOLFMAN,  
One of Plaintiffs' Attorneys

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